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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,003	03/07/2001	Behram Mario DaCosta	SONY-50P4129	4734

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WAGNER, MURABITO & HAO LLP  
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EXAMINER

SONG, HOSUK

ART UNIT PAPER NUMBER

2135

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/802,003

Applicant(s)

DACOSTA, BEHRAM MARIO

Examiner

Hosuk Song

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasebe et al(US 5,392,351) in view of Best(US 4,465,901).

Claims 1,2: Hasebe disclose reading encrypted software from a non-volatile storage medium in (fig.10A and col.8,lines 52-53;col.10,lines 60-62). Hasebe disclose decrypting those portions of encrypted software that are read into an instruction cache in a processor as each of portions is read into instruction cache in (col.9,lines 10-16,20-23,41-46). See also Best in (col.22,lines 35-46). Hasebe does not specifically disclose storing encrypted software in a temporary storage medium. Best's patent discloses storing encrypted software in temporary storage such as RAM in (fig.21,#12 and col.9,lines 2-4,13-15). It would have been obvious to person of ordinary skill in the art at the time invention was made to store encrypted program in temporary storage as taught in Best with software security system disclosed in Hasebe because Ram has the advantage of fast access time where non-volatile memory, on the other hand, often has the disadvantage of a slower access time, particularly when writing data to or erasing data from the non-volatile memory.

Claim 3: Hasebe disclose encrypted software comprises steps of a computer program in (col.5,lines 3-6).

Claim 4: Hasebe does not specifically disclose storing encrypted software in a temporary storage medium such as RAM. Best's patent discloses storing encrypted software in temporary storage such as RAM in (fig.21,#12 and col.9,lines 2-4,13-15). It would have been obvious to person of ordinary skill in the art at the time invention was made to store encrypted program in temporary storage as taught in Best with software security system disclosed in Hasebe because RAM has the advantage of fast access time where non-volatile memory, on the other hand, often has the disadvantage of a slower access time, particularly when writing data to or erasing data from the non-volatile memory.

Claim 5: Hasebe disclose decrypting encrypted software portions is accomplished by a decryption unit located within processor in (fig.3).

Claim 6: Hasebe disclose decrypting encrypted software portions is accomplished by a dedicated decryption device in (fig.10C).

Claim 7: Hasebe disclose a computer software non-volatile storage device for storing encrypted software in (fig.3). Hasebe disclose a processing device comprising an internal instruction cache and a decryption unit wherein decryption unit is adapted to decrypt selected portions of encrypted software as each portions is written to instruction cache of processing device in (col.9,lines 10-16,20-23,41-46 and fig.9A). See also Best in (col.22,lines 35-46). Hasebe does not specifically disclose storing encrypted software in a temporary storage medium. Best's patent discloses storing encrypted software in temporary storage such as RAM in (fig.21,#12 and col.9,lines 2-4,13-15). It would have been obvious to person of ordinary skill in the art at the time invention was made to store encrypted program in temporary storage as taught in Best with software security system disclosed in Hasebe because RAM has the advantage of fast access time where non-volatile memory, on the other hand, often has the

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disadvantage of a slower access time, particularly when writing data to or erasing data from the non-volatile memory.

Claim 8: Hasebe disclose optical storage device in (col.5,lines 21-30).

Claim 9: Hasebe disclose non-volatile storage device is a magnetic storage device in (col.5,lines 21-24).

Claim 10: Hasebe disclose non-volatile storage device is located remotely from processor in (fig.10C).

Claim 11: Hasebe does not specifically disclose storing encrypted software in a temporary storage medium such as RAM. Best's patent discloses storing encrypted software in temporary storage such as RAM in (fig.21,#12 and col.9,lines 2-4,13-15). It would have been obvious to person of ordinary skill in the art at the time invention was made to store encrypted program in temporary storage as taught in Best with software security system disclosed in Hasebe because RAM has the advantage of fast access time where non-volatile memory, on the other hand, often has the disadvantage of a slower access time, particularly when writing data to or erasing data from the non-volatile memory.

Claim 12: Hasebe disclose a computer software non-volatile storage device for storing encrypted software in (fig.3). Hasebe disclose a processing device comprising an internal instruction cache and a decryption unit wherein decryption unit is adapted to decrypt selected portions of encrypted software as each portions is written to instruction cache of processing device in (col.9,lines 10-16,20-23,41-46 and fig.9A). See also Best in (col.22,lines 35-46). Hasebe does not specifically disclose storing encrypted software in a temporary storage medium. Best's patent discloses storing encrypted software in temporary storage such as RAM in (fig.21,#12 and col.9,lines 2-4,13-15). It would have been obvious to person of ordinary skill in the art at the time invention was made to store encrypted program in temporary storage as

taught in Best with software security system disclosed in Hasebe because RAM has the advantage of fast access time where non-volatile memory, on the other hand, often has the disadvantage of a slower access time, particularly when writing data to or erasing data from the non-volatile memory.

Claims 13,14: Hasebe disclose decryption unit is implemented in a hardware device in (fig.3).

Claim 15: Hasebe disclose encrypted software comprises the steps of a computer program in (col.5,lines 3-6).

Claim 16: Neither Hasebe nor Best specifically disclose encrypted software comprises intellectual property intended to be processed by another computer program. Official Notice is taken that encrypted software comprises intellectual property intended to be processed by another computer program is well known in the art. One of ordinary skill in the art would have been motivated to encrypt intellectual property in order to protect its ownership and deter security breach against unauthorized user or by a computer program.

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Kondo et al.(US 6,446,050)
- b. Wells (US 6,408,387).
- c. Hirotani(US 5,982,887)

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 703-305-0042. The examiner can normally be reached on Tue-Fri from 6:00 am to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be "J. S. E.", located in the lower right quadrant of the page.

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